



1776 K STREET NW  
WASHINGTON, DC 20006  
PHONE 202.719.7000

www.wileyrein.com

January 6, 2017

Scott D. Delacourt  
202.719.7459  
SDelacourt@wileyrein.com

**VIA ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

**Re: In the Matter of the Joint Petition of Anthem, Inc., Blue Cross Blue Shield Association, WellCare Health Plans, Inc., and the American Association of Healthcare Administrative Management for the Expedited Declaratory Ruling and/or Clarification of the 2015 Omnibus Declaratory Ruling and Order; CG Docket No. 02-278**

Dear Ms. Dortch:

On behalf of Blue Cross Blue Shield Association (the "Association"), this *ex parte* notice memorializes a meeting between representatives of the Association and Commission staff. On Tuesday, January 3, 2017, the Association's Adam Peltzman, Associate General Counsel and Director of the Blue Plan Legal Department Cooperative, along with Scott Delacourt and Rachel Alexander of Wiley Rein LLP, met with Mark Stone, Kurt Schroeder, Karen Schroeder, and John Adams of the Consumer & Governmental Affairs Bureau ("Bureau"). This letter supplements an earlier filing in order to provide additional details of the meeting.

During the meeting, the Association representatives asked for targeted relief to facilitate important and beneficial healthcare communications, consistent with the above captioned petition. In light of the significant protections afforded by HIPAA, the Association representatives encouraged the FCC to harmonize application of HIPAA and the TCPA – as it has done in the past – to ensure that consumers can continue to receive healthcare communications critical to achieving positive health outcomes. Specifically, we requested that:

- (1) the provision of a phone number to a "covered entity" or "business associate" (as those terms are defined under HIPAA) constitutes prior express consent for non-telemarketing calls allowed under HIPAA for the purposes of treatment, payment or health care operations; and



Marlene H. Dortch

January 6, 2017

Page 2

- (2) each use of the term “healthcare provider” in paragraphs 141 and 147 of the 2015 Omnibus Declaratory Ruling and Order be clarified to expressly encompass “covered entities” and “business associates.”

Such a clarification is critical, as confusion regarding application of the 2015 Omnibus Declaratory Ruling and Order has the result of chilling pro-consumer healthcare outreach upon which consumers, governmental agencies, and the healthcare industry has come to rely.

This letter is being filed electronically pursuant to Section 1.1206 of the Commission’s rules. Should you have any questions, please contact the undersigned.

Sincerely,

*/s/ Scott Delacourt*

Scott D. Delacourt

Counsel to Blue Cross Blue Shield Association

cc (via e-mail):      Mark Stone  
                                 Kurt Schroeder  
                                 Karen Schroeder  
                                 John B. Adams